

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN FERGUSON and REBECCA JO
FERGUSON,

Plaintiffs,

v.

MONSANTO CO.; *et al.*,

Defendants.

Case No. C08-5216RJB

ORDER DISMISSING
REMAINING
DEFENDANTS AND
CLOSING CASE

This matter comes before the Court on this Court's April 30, 2009, Order requiring Plaintiffs to show cause, if any they have, why this matter should not be dismissed against the remaining Defendants, whether or not they have been served. Dkt. 147.

On April 30, 2009, Defendant Johns Manville, Inc.'s Motion for Dismissal (Dkt. 103), joined by Defendants Friedrich & Dimmock, Inc. (Dkt. 107), 3M Company (Dkt. 126), Hammond Lead Products, Inc. (Dkt. 129), Sojitz Corporation of America (Dkt. 130), Transammonia, Inc. (Dkt. 131), and Nippon Oil (Dkt. 139), was granted. Dkt. 147. This Court found that Plaintiffs failed to timely file and serve the Complaint on any Defendant before the statute of limitations had run. *Id.* As a result, Plaintiffs were ordered to show cause, if any they had, why this matter should not be dismissed against the remaining Defendants, whether or not they have been served. *Id.*

In response, Plaintiffs filed a Notice of Dismissal of all non-appearing Defendants. Dkt. 156. Plaintiffs then filed Stipulated Dismissals against the remaining Defendants who had appeared: Monsanto Company, Kano Laboratories, Inc., Kraft Chemical Company, Royal Purple, Inc., Lyondell Chemical

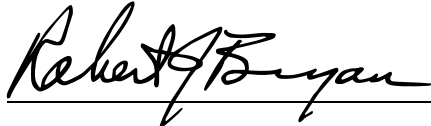
1 Company, Dow Chemical Company, Glidden Company, and the Carborundum Company. Dkts. 162-165.

2 After a review of the record, all Defendants have now been dismissed either voluntarily, by
3 stipulation, or by court order. This case should be closed.

4 Therefore, it is hereby, **ORDERED** that:

- 5 • All remaining Defendants, whether or not they have been served, are **DISMISSED**;
6 • The Clerk is directed to **CLOSE** this case; and
7 • The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
8 party appearing *pro se* at said party's last known address.

9 DATED this 1st day of June, 2009.

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12 ROBERT J. BRYAN
13 United States District Judge
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